REMARKS

Applicant has given careful review to the allowed claims and the prior art currently cited by the Examiner and believes that broader claims are allowable over the currently cited art. Accordingly, independent claims 1, 12, and 20 have been amended to a form approximating their state after the first amendment to the claims filed March 13, 2007 while still correcting the errors noted by the Examiner. Claim 1 has also been amended to expressly recite the dishwasher timer creating a door closing signal to better distinguish it from the Buser reference as discussed below. Claims 26 and 27 have been added to replace claims 11 and 22 previously canceled.

Claim Rejections 35 U.S.C. § 102

Claims 1-3, 6, 9, 12, 15, 19-20, and 23 are rejected under 35 U.S.C. §102(b) over Buser.

Buser teaches a dishwasher that provides for automatic door opening but not automatic door closing against the force of a gasket. The Examiner appears to infer automatic closing from dual direction arrows in Fig. 3 of Buser associated with the closure bracket 33. However, the right-to-left arrow in this case indicates return motion of the closure bracket 33 after it has released the door. The door motion, to the contrary, is indicated by a single left-to-right arrow to the right of the arrows relied upon by the Examiner.

The fact that Buser teaches only automatic door opening for venting and not door closure is consistent with the limits of enablement of Buser's specification which describes "automatic partial opening of the door" but is silent with respect to any automatic closing of the door. Further, while Buser clearly states that the motor is activated automatically "after the first drying phase" to open the door there is no other description of automatic door movement, for example, at the beginning of the washing cycle. Significantly, no control signals for this purpose are taught or suggested.

Buser teaches away from automatic closing of the door because Buser teaches that the door need not be engaged with the latching mechanism when it is in the vent position but that it may be simply retained by a counterbalance (see column 3, line 65 to column

4, line 3). The door cannot be automatically closed if it is not engaged with the latching mechanism as suggested by Buser.

The Applicant has amended claim 1 (and a similar limitation is in claim 20) to require a timer producing an electrical signal to initiate the automatic door closure based on the washing cycle. This is intended to overcome any argument that Buser meets the claim limitation because its mechanism would inherently close a dishwasher door even though this purpose was not recognized.

The prior art, including the Archambault reference originally cited by the Applicant, uniformly indicates that only automatic opening of a dishwasher door was recognized by those of ordinary skill in the art at this time. The Examiner has therefore failed to make a factual, prima fascia case for obviousness of the present invention.

With respect to claim 12, the Examiner has failed to find in Buser a "sensor for sensing a force resisting closure of the door" to "move the door from the seal position to the close position" (as amended). The "force limiter" proposed by the Examiner that is inherent in the failure or disconnection of the Buser latch would not be considered a sensor under the plain and ordinary meaning of this word, nor would such a failure necessarily cause the opening of the door or opening of the door to the vent position as required by this claim. This distinction is further underscored in claim 18 which requires a sensor producing an electric signal to cause this opening.

Claim Rejections 35 U.S.C. § 103

Claims 5, 14, and 24-25 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Buser in view of Burnett.

These claims further require a door latch that includes a switch indicating whether the latch halves are engaged. This type of signal is valuable in a latch system where the latch is intended to close the door and thus must have confirmation that it is connected to the door. It is not surprising that such a switch is not taught by Buser, which as noted, does not teach automatic door closure by the latch.

Nevertheless, this deficiency of Buser is also not remedied by Burnett. The switch of Burnett is a mercury switch which is actuated by an angle of the door not a

separation of the latch components. Such a switch would not necessarily indicate whether the latch is engaged or not. In fact, Buser teaches that the door may be in the vent position held by a counterbalance even when disconnected from the latch. Thus, the switch of Burnett when combined with Buser according to the teachings of each would not function as required by the claim.

Claim 24 requires a sensor detecting a sequence of events indicating that the door has been closed after opening "during the washing cycle". The Examiner has not identified teaching in the references alone or in combination for this sensor and sensing logic.

Claim 7 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Buser in further view of Ellingson. These claims require a sensor sensing the door in the closed (vent) position before it is sealed. Ellingson teaches a sensor that operates only when the door is fully closed (as is necessary for locking) and thus is readily distinguished from a sensor that senses the door before it is closed and sealed. A combination of these two references, according to their clear teachings, would logically produce a dishwasher that locked the door automatically after the door was sealed and this combination would not meet the claim limitation.

At this time, claims 10-11, 17-18, and 22 are not subject to written rejection based on the prior art.

With these amendments it is submitted that all independent claims (1, 12, and 20) are allowable and therefore that claims 1-10, 12-16, 18-21, and 23-27 are now in condition for allowance and allowance is respectfully requested.

Very truly yours,

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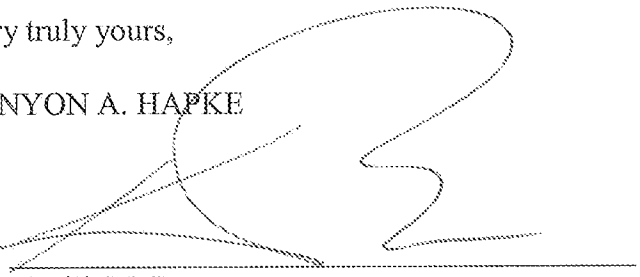
By: 

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